



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of: )  
 Edward P. Perez )  
 ) Before the Examiner  
 Serial No. 10/764,261 ) Unassigned  
 )  
 Filed January 23, 2004 ) Group Art Unit 3736  
 )  
**METHODS AND APPARATUS** ) June 17, 2004  
**FOR EXPRESSING BODY** )  
**FLUID FROM AN INCISION** )

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450 on

June 17, 2004

(Date of Deposit)

Charles P. Schmal

Name of Registered Representative

Signature

June 17, 2004

Date of Signature

**INFORMATION DISCLOSURE STATEMENT**

Honorable Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicant requests consideration of the references listed on attached form PTO-1449 (PTO/SB08A&B) and/or the additional information identified below in paragraph 4. A legible copy of each reference listed on form PTO-1449 is enclosed, except:

☒ a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior parent application Serial No. 09/879,991 and/or

☒ a copy of each U.S. patent and/or U.S. patent application publication is not provided because the present application has been filed or entered the national stage after June 30, 2003 and the Patent Office has waived the requirements of 37 CFR 1.98 (a)(2)(i) for submitting such documents in applications filed or nationalized after June 30, 2003.

1a. ☒ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application (other than a continued prosecution application), or

before the mailing date of the first Office Action on the merits,

**and thus no certification and/or fee is required.**

1b. ☐ This Information Disclosure Statement is submitted after the events of above paragraph 1a and prior to the mailing date of a final Office Action or Notice of Allowance, and thus:

(1) ☐ the certification of paragraph 2 below is provided, or

(2) ☐ a fee of \$\_\_\_\_\_ (set forth in 37 CFR §1.17(p)) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted after the mailing date of a final Office Action or Notice of Allowance and prior to payment of the issue fee, and thus:

(1) ☐ the certification of paragraph 2 below is provided, and  
a fee of \$\_\_\_\_\_ (set forth in 37 CFR §1.17(p)) is enclosed; or

(2) ☐ a Request for Continued Examination (RCE) has been filed.

2. It is hereby certified:

a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement, or

b. ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

c. ☐ A copy of a dated communication from a foreign patent office which clearly shows the statement is being submitted within three (3) months of the date on the communication is enclosed.

3. ☐ A copy of a Search Report or Written Opinion from a foreign patent office is enclosed.

4. ☐ Consideration of the following additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

5. For each non-English language reference listed on the attached form PTO-1449, reference is made to:


a. ☐ an English language translation submitted herewith,

- b. ☐ a foreign patent office search report (in the English language) submitted herewith,
- c. ☐ an English language translation of a foreign patent office search report submitted herewith,
- d. ☐ the concise explanation contained in the specification of the present application at page<sup>s</sup> \_\_\_\_\_,
- e. ☐ the concise explanation set forth in the attached English language abstract,
- f. ☐ a copy of a related patent publication (in the English language) submitted herewith,
- g. ☐ the concise explanation set forth below:

The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56(b).

It is believed that no additional fees are required. Should any other fee be required, however, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,



Charles P. Schmal, Reg. No. 45,082  
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WEMMH/SB/08A (4/03)

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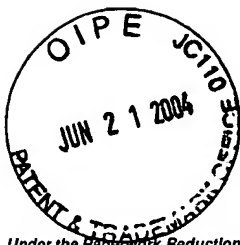
<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/764,261
				Filing Date	1/23/2004
				First Named Inventor	PEREZ, ROE, RANEY
				Group Art Unit	3736
Sheet	1	of	12	Examiner Name	
				Attorney Docket Number	7404-612
<b>U.S. PATENT DOCUMENTS</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		1,960,889	05-29-1934	Benedict	
		2,594,621	04-29-1952	Derrick	
		2,646,799	07-28-1953	Jacoby, Jr.	
		3,030,959	04-19-1962	Grunert	
		3,040,744	06-26-1962	Hoggard	
		3,068,868	12-18-1962	Skopyk	
		3,221,739	12-07-1965	Rosenthal	
		3,235,337	02-15-1996	Artis	
		3,358,689	06-09-1964	Higgins	
		3,486,504	12-30-1969	Austin	
		3,623,475	11-30-1971	Sanz	
		3,626,929	12-14-1971	Sanz et al.	
		3,685,509	08-22-1972	Bentall	
		3,734,085	03-22-1973	Russell	
		3,741,197	06-26-1973	Sanz et al.	
		3,774,611	11-27-1973	Tussey et al.	
		3,933,439	01-20-1976	McDonald	
		3,964,482	06-22-1976	Gerstel et al.	
		4,151,832	05-01-1979	Hamer	
		4,203,446	05-20-1980	Hofert et al.	
		4,235,234	11-25-1980	Whitney et al.	
		4,360,016	11-23-1982	Sarrine	

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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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		Number-Kind Code <sup>2</sup> (if known)			
		4,368,738	01-18-1983	Tersteegen et al.	
		4,375,815	03-08-1983	Burns	
		4,383,530	05-17-1983	Bruno	
		4,397,643	08-09-1983	Rygiel	
		4,460,354	07-17-1984	Weilbacher et al.	
		4,462,405	07-31-1984	Erlich	
		4,469,110	09-04-1984	Slama	
		4,503,856	03-12-1985	Cornell et al.	
		4,517,978	05-21-1985	Levin et al.	
		4,564,513	01-14-1986	Becher et al.	
		4,580,564	04-08-1986	Anderson	
		4,622,974	11-18-1986	Coleman et al.	
		4,627,445	12-09-1986	Garcia et al.	
		4,637,403	01-20-1987	Garcia et al.	
		4,637,978	01-20-1987	Dappen	
		4,648,408	03-10-1987	Hutcheson et al.	
		4,653,511	03-31-1987	Goch	
		4,653,513	03-31-1987	Dombrowski	
		4,658,821	04-21-1987	Chiodo et al.	
		4,660,570	04-28-1987	Dombrowski	
		4,677,979	07-07-1987	Burns	
		4,685,463	08-11-1987	Williams	

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Sheet	3	of	12		
<b>U.S. PATENT DOCUMENTS</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		4,687,000	08-18-1987	Eisenhardt et al.	
		4,787,398	11-29-1988	Garcia et al.	
		4,790,979	12-13-1988	Terminiello et al.	
		4,805,623	02-21-1989	Jobsis	
		4,844,095	07-04-1989	Chido et al.	
		4,850,973	07-25-1989	Jordan et al.	
		4,858,607	08-22-1989	Jordan et al.	
		4,869,249	09-26-1989	Crossman et al.	
		4,873,993	10-17-1989	Meserol et al.	
		4,883,068	11-28-1989	Dechow	
		4,895,147	01-23-1990	Bodicky et al.	
		4,920,977	05-01-1990	Haynes	
		4,924,879	05-15-1990	O'Brien	
		4,925,447	05-15-1990	Rosenblatt	
		4,953,552	09-04-1990	DeMarzo	
		4,976,724	12-11-1990	Nieto et al.	
		4,981,473	01-01-1991	Rosenblatt	
		4,990,154	02-05-1991	Brown et al.	
		4,994,068	02-19-1991	Hufnagle	
		4,994,073	02-19-1991	Green	
		4,995,402	02-26-1991	Smith et al.	
		5,002,054	03-26-1991	Ash et al.	

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Sheet	4	of	12	Attorney Docket Number	7404-612

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		Number-Kind Code <sup>2</sup> (if known)			
		5,014,718	05-14-1991	Mitchen	
		5,019,059	05-28-1991	Goldberg et al.	
		5,029,583	07-09-1991	Meserol et al.	
		5,035,704	07-30-1991	Lambert et al.	
		5,052,403	10-01-1991	Haber et al.	
		5,054,499	10-08-1991	Swierczek	
		5,066,859	11-19-1991	Karkar et al.	
		5,070,884	12-10-1991	Columbus et al.	
		5,070,886	12-10-1991	Mitchen et al.	
		5,102,404	04-07-1992	Goldberg et al.	
		5,163,442	11-17-1992	Ono	
		5,165,418	11-24-1992	Tankovich	
		5,193,552	03-16-1993	Columbus et al.	
		5,195,534	03-23-1993	Sarrine	
		5,201,324	04-13-1993	Swierczek	
		5,217,480	06-08-1993	Haber et al.	
		5,231,993	08-03-1993	Haber et al.	
		5,277,198	01-11-1994	Kanner et al.	
		5,279,294	01-18-1994	Anderson et al.	
		5,279,586	01-18-1994	Balkwill	
		5,282,822	02-01-1994	Macors et al.	
		5,304,193	04-19-1994	Zhadanov	

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		5,309,924	05-10-1994	Peabody	
		5,318,583	06-07-1994	Rabenau et al.	
		5,318,584	06-07-1994	Lange et al.	
		5,320,607	06-14-1994	Ishibashi	
		5,324,302	06-28-1994	Crouse	
		5,324,303	06-28-1994	Strong et al.	
		5,353,806	10-11-1004	Heinzelman et al.	
		5,366,470	11-22-1994	Ramel	
		5,368,047	11-29-1994	Suzuki et al.	
		5,387,203	02-07-1995	Goodrich	
		5,395,387	03-07-1995	Burns	
		5,402,798	04-04-1995	Swierczek et al.	
		5,421,816	06-06-1995	Lipkovker	
		5,423,758	06-13-1995	Shaw	
		5,423,847	06-13-1995	Strong et al.	
		5,445,611	08-29-1995	Eppstein et al.	
		5,456,875	10-10-1995	Lambert	
		5,458,140	10-17-1995	Eppstein et al.	
		5,487,748	01-30-1996	Marshall et al.	
		5,512,158	04-30-1996	Cole	
		5,518,006	05-21-1996	Mawhirt et al.	
		5,540,709	07-30-1996	Ramel	

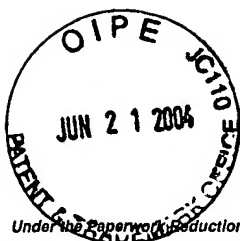
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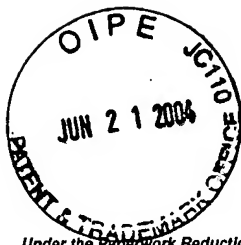
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		5,545,173	08-13-1996	Herbst	
		5,545,174	08-13-1996	Schenk et al.	
		5,549,584	08-27-1996	Gross	
		5,554,166	09-10-1996	Lange et al.	
		5,569,212	10-29-1996	Brown	
		5,582,184	12-10-1996	Erickson et al.	
		5,607,401	03-04-1997	Humphrey	
		5,611,809	03-18-1997	Marshall et al.	
		5,613,978	03-25-1997	Harding	
		5,624,458	04-29-1997	Lipscher	
		5,628,309	05-13-1997	Brown	
		5,628,764	03-21-1995	Schraga	
		5,628,765	05-13-1997	Morita	
		5,638,828	06-17-1997	Lauks et al.	
		5,662,127	09-01-1997	De Vaughn	
		5,666,966	09-16-1997	Horie et al.	
		5,671,753	09-30-1997	Pitesky	
		5,680,872	10-28-1997	Sesekura et al.	
		5,682,233	10-28-1997	Brinda	
		5,700,695	12-23-1997	Yassinzadeh et al.	
		5,707,384	01-13-1998	Kim	
		5,709,699	01-20-1998	Warner	

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				Application Number	10/764,261
				Filing Date	1/23/2004
				First Named Inventor	PEREZ, ROE, RANEY
				Group Art Unit	3736
				Examiner Name	
Sheet	7	of	12	Attorney Docket Number	7404-612

### U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		5,730,753	03-24-1998	Morita	
		5,741,291	04-21-1998	Yoo	
		5,746,217	05-05-1998	Erickson et al.	
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		5,788,652	08-04-1998	Rahn	
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		5,891,053	04-06-1999	Sesekura	
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		5,984,940	11-16-1999	Davis et al.	
		5,997,561	12-07-1999	Bocker et al.	

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Sheet	8	of	12	Attorney Docket Number	7404-612
<b>U.S. PATENT DOCUMENTS</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Application of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear
		6,015,392	01-18-2000	Douglas et al.	
		6,022,366	02-08-2000	Schraga	
		6,027,459	02-22-2000	Shain et al.	
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		6,156,051	12-05-2000	Schraga	

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		Number-Kind Code <sup>2</sup> (if known)				
		6,183,489	B1	02-06-2001	Douglas et al.	
		6,210,421	B1	04-03-2001	Bocker et al.	
		6,261,244	B1	07-17-2001	Kensey et al.	
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		Number-Kind Code (if known)			
		Re 35,803	05-19-1998	Lange et al.	
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				Group Art Unit	3736		
Sheet	11	of	12	Examiner Name			
				Attorney Docket Number	7404-612		
<b>FOREIGN PATENT DOCUMENTS</b>							
Examiner Initials*	Cite <sup>1</sup> No.	Foreign Patent Document Country Code <sup>2</sup> Number <sup>3</sup> Kind Code <sup>5</sup> (if known)		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		DE 34 26 090	A1	04-18-1985			
		DE 37 08 031	A1	11-12-1987			
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		EP 0 453 283	A1	10-23-1991			
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		EP 0 671 146	A1	09-13-1995			
		EP 0 688 532	B1	12-27-1995			
		JP 02000116768	A2	04-25-2000	Sonoda et al.		<input checked="" type="checkbox"/>
		JP 08000598		01-09-1996			
		WO 01/64105		09-07-2001			
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		WO 93/09723		05-27-1993	Ramel		
		WO 95/10223	A2	04-20-1995			
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		WO 97/08986	A1	03-13-1997			
		WO 97/42882		11-20-1997			
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		WO 97/43962	A1	11-27-1997			

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Examiner Name					
Sheet	12	of	12	Attorney Docket Number	7404-612
<b>OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS</b>					
<b>Examiner Initials*</b>	<b>Cite No. <sup>1</sup></b>	include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s) publisher city and/or country where published			<b>T<sup>2</sup></b>
		"Microlet Choice", Low Pressure Sampling Instrument Ad w/translation, 6/1/1997			<input type="checkbox"/>
		ASH ET AL., "Subcutaneous Capillary Filtrate Collector for Measurement of Blood Glucose", ASAIO Journal, 1992			<input type="checkbox"/>
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		BRACE ET AL., "Re-evaluation of the Needle Method for Measuring Interstitial Fluid Pressure", American Journal of Physiology, 1975			<input type="checkbox"/>
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